

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1072

Introduced by Cornett, 45; Aguilar, 35; Byars, 30; Cunningham, 40;
Fischer, 43; Flood, 19; Loudon, 49; Schrock, 38;
Stuthman, 22; Synowiecki, 7

Read first time January 12, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to volunteer fire and rescue departments;
2 to amend section 35-801, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to clothing and
4 equipment and certain donations; to harmonize provisions;
5 and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A person who donates fire control
2 or rescue equipment to a volunteer department or a political
3 subdivision for use by its volunteer department shall not be liable
4 for civil damages for personal injuries, property damage or loss,
5 or death caused by the fire control or rescue equipment after
6 donation, except for injury, damage, loss, or death caused by the
7 donor's intentional or reckless conduct or gross negligence.

8 (2) Subsection (1) of this section shall not apply to a
9 vendor or manufacturer of fire control or rescue equipment.

10 (3) For purposes of this section:

11 (a) Fire control or rescue equipment means any vehicle,
12 equipment, tool, communications equipment, or protective gear used
13 in firefighting, rescue services, or emergency medical services;
14 and

15 (b) Volunteer department means volunteer fire department;
16 volunteer first-aid, rescue, or emergency squad; or volunteer fire
17 company serving any city, village, county, township, rural or
18 suburban fire protection district, or nonprofit corporation.

19 Sec. 2. Section 35-801, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 35-801 (1) No ~~person~~ vendor or manufacturer shall
22 knowingly transfer, sell, or offer for sale in this state to any
23 fire department or firefighter any item of clothing or equipment
24 designed and intended to protect firefighters from death or injury
25 while fighting fires unless the item of clothing or equipment meets

1 or exceeds the minimum standards established for such item of
2 clothing or equipment by the National Fire Protection Association
3 in effect at the time of such transfer, sale, or offer for sale.

4 (2) No fire department shall knowingly purchase and no
5 fire department or firefighter shall knowingly accept from any
6 vendor or manufacturer any item of clothing or equipment intended
7 to protect firefighters from death or injury while fighting fires
8 unless the item of clothing or equipment meets or exceeds the
9 minimum standards established for such item of clothing or
10 equipment by the National Fire Protection Association in effect
11 at the time of such purchase or acceptance.

12 (3) Any person violating subsection (1) or (2) of this
13 section shall be guilty of a Class III misdemeanor.

14 (4) For purposes of this section:

15 (a) Clothing or equipment shall not include station or
16 work uniforms or other items of personal clothing worn or intended
17 to be worn under protective clothing or equipment while fighting
18 fires; and

19 (b) Fire department shall include any city, village,
20 county, township, district, or other public or private fire
21 department.

22 Sec. 3. Original section 35-801, Reissue Revised Statutes
23 of Nebraska, is repealed.